

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5901 of 2024

Arising Out of PS. Case No.-950 Year-2023 Thana- NATHNAGAR District- Bhagalpur

Ashok Yadav S/O Late Bouki Yadav R/O Village- Makhna, P.S- Jagdishpur,
Distt.- Bhagalpur, Presently Resident Of Village- Kishanpur, P.S-
Madhusudanpur, Distt.- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Pandey, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Nath Nagar (Madhusudanpur) P.S. Case No. 950 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016 lodged on 16.11.2023 by the informant, Suresh Prashad Srimali.

3. As per the prosecution story, while on patrolling, on information, raided the house of the petitioner and recovered/seized 5 litre country made liquor. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that recovery/seizure is from the house, a joint property, he is 68



years of age and do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid submission put for by learned counsel for the petitioner as also the recovery/seizure of 5 litre of country made liquor, he do not have criminal antecedent, this Court is inclined to extend him the relief.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Special Excise Judge-2, Bhagalpur in connection with Nath Nagar (Madhusudanpur) P.S. Case No. 950 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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